THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No. 27679 OF 1997

Dated 31st January 2007

Between:

Vemula Laxmi Rajam & others

...Petitioners

and

The State of A.P., rep.by Principal Secretary, Department of Revenue, Secretariat Buildings, Hyderabad & others.

...Respondents

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O R D E R:

The petitioners are said to be the owners of the various premises mentioned in the writ petition, situated in Sircilla town. The properties are said to have been acquired long back, and that the constructions were made, after obtaining the permission from the local authority. Their grievance is that the respondents are trying to demolish the premises, for widening of the road, without following the procedure prescribed by law.

Heard the learned counsel for the petitioners. Though nearly 10 years have elapsed from the date of filing of the writ petition, the respondents have not filed any counter affidavit.

The ownership of the petitioners to the premises in question, is traced back to several decades. It is always open to the respondents, to form and expand the roads, particularly in towns. However, where any private property is needed, either for formation, or widening of the road, the procedure prescribed under the Land Acquisition Act, has to be followed. In case, owners of the properties are willing to part with the same, in lieu of any compensation or other benefit, it would not be necessary, to take steps under the Land Acquisition Act. The consent of the owners becomes necessary, in this regard.

Howsoever laudable the object of widening of a road may be, it cannot be undertaken in such a way, as to affect the rights of private parties. The interests of few individuals cannot be sacrificed, for the larger public interest.

Therefore, the writ petition is disposed of, directing that the respondents shall not demolish the structures belong to the petitioners, or use any property held by them, for widening of the road, except with the consent of the parties, or by following the procedure prescribed under the Land Acquisition Act. There shall be no order as to costs.

31st January 2007

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